

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE:

NELSON MONSERRATE DAVILA

DEBTOR

CASE NO. 18-02635 (ESL)

**CHAPTER 7
ASSET CASE**

**TRUSTEE'S MOTION REQUESTING ORDER ON
DISPOSITION OF PROPERTY**

TO THE HONORABLE COURT:

COMES NOW, Wigberto Lugo Mender, duly appointed Chapter 7 Trustee of the above captioned case, who respectfully states and prays as follows:

1. The above captioned case was filed as a Chapter 7 proceeding on May 11, 2018. On or around that date, the undersigned was appointed Chapter 7 Trustee.
2. Within the assets pertaining to this estate, debtor listed on the petition a vehicle Mitsubishi Outlander 2004 Plate #EYG468. [See legal docket #1]
3. Although debtor informed on the Schedules that the value of the vehicle was \$773.00, the trustee believed that the value listed was not reasonable comparable actual conditions. [See enclosed pictures]
4. According to the information obtained at that time, the fair market value of the vehicle was approximately 1,200.00 as the engine needed some minor repairs.
5. Then debtor's attorney contacted the undersigned trustee to present and offer of \$1,000.00 to acquire the non-exempt interest of this vehicle and deposited with the undersigned said amount.
6. Although the vehicle was registered under debtor's name, according to the testimony of

TRUSTEE'S INFORMATIVE MOTION TO INFORM
DISPOSITION OF PROPERTY

NELSON MONSERRATE DAVILA
CASE #18-02635 (ESL)
PAGE #2

the debtor and the information received in the case the vehicle was in the possession of his ex-wife.

7. The proceeds from the sale of this vehicle were received from debtor on March 26, 2019 and have remained deposited in the estate account assigned to this case.

8. All assets in this case have been administered and gathering the information to submit the Trustee's Final Report we realized that by inadvertence, the intended transaction for the equity on the Mitsubishi Outlander 2004 Plate #EYG468, was not presented for approval by the Honorable Court.

9. Thus, in order to comply with the provisions of 11 U.S.C. Section 363 and 704, the undersigned trustee's hereby states that he accepted this offer for the disposition of this vehicle. Since, in the trustee's best business judgment, debtor's offer received is reasonable since this vehicle will not yield any additional benefit to the creditors.

WHEREFORE, the undersigned Trustee prays this Honorable Court to take notice of the matters contained herein and to enter any other relief as deemed necessary.

NOTICE

Within twenty-one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

TRUSTEE'S INFORMATIVE MOTION TO INFORM
DISPOSITION OF PROPERTY

NELSON MONSERRATE DAVILA
CASE #18-02635 (ESL)
PAGE #3

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, That on this same date I electronically filed the forgoing document with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the parties appearing in said system, including: **Monsita Lecaroz Arribas, Esq** at ustpreion21.hr.ecf@usdoj.gov; **Patricia I Varela, Esq.** on behalf of Banco Popular de PR at pvarela@martineztorreslaw.com, ezdocsatty1@gmail.com, mvelez@martineztorreslaw.com, ecruz@martineztorreslaw.com, jrico@martineztorreslaw.com, svega@martineztorreslaw.com; mbaldera@martineztorreslaw.com, rmelendez@martineztorreslaw.com, and; and **Lysette Morales Vidal, Esq.** at lamoraleslawoffice@gmail.com and irma.lamorales@gmail.com.

I FURTHER CERTIFY THAT copy of this motion, with all the exhibits, has been served by First Class Mail to: **Nelson Monserrate Davila (Debtor)** at HC 20 Box 25728, San Lorenzo PR 00754; and **Lysette A Morales Vidal, Esq. (Attorney for Debtor)** at Lysette Morales Law Office, 76 Calle Aquamarina, Urb. Villa Blanca, Caguas PR 00725 and to all other creditors and parties in interest as detailed in the attached master address list.

RESPECTFULLY SUBMITTED.

In Guaynabo, Puerto Rico, this 11TH of February of 2022.

/s/ Wigberto Lugo Mender
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Label Matrix for local noticing
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District of Puerto Rico
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End of Label Matrix
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Bypassed recipients 2
Total 27